

*Dae*  
*70*

I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 16, 2007

Signature: *Judy Cal*  
(Judy Callem)

MAR 21 2007

Docket No.: 529282002013  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Andrew Frederick WILKS et al.

Application No.: 11/650,062

Filed: January 4, 2007

For: A CRYSTAL STRUCTURE AND USES  
THEREOF

Confirmation No.: 7585

Art Unit: 1656

Examiner: Not Yet Assigned.

**NOTIFICATION OF LOSS OF ENTITLEMENT**  
**TO SMALL ENTITY STATUS UNDER 37 CFR § 1.28(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Cytopia Research Pty Ltd, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity and the claim for small entity status filed by Applicant is hereby withdrawn. The claim for small entity status filed by the Applicant was made in error and without deceptive intent.

Following is a chart showing the fees as paid and the deficiency owed, and Applicant encloses herewith Fee Transmittal SB/17 in payment of the additional fees due.

03/22/2007 AWONDAF1 00000004 031952 11650062

01 FC:1011	300.00 DA
02 FC:1001	250.00 DA
03 FC:1111	500.00 DA
04 FC:1311	200.00 DA

Type of Fee	Small Entity Fees Paid January 4, 2007	Large Entity Fee	Deficiency Owed
Basic filing fee	\$150.00	\$300.00	\$150.00
Utility search fee	\$250.00	\$500.00	\$250.00
Utility examination fee	\$100.00	\$200.00	\$100.00
Utility application size fee	\$125.00	\$250.00	\$125.00
<b>Total Fees Due:</b>			<b><u>\$625.00</u></b>

lease charge **Deposit Account No. 03-1952** in the amount of \$625.00, referencing docket no. 529282002013

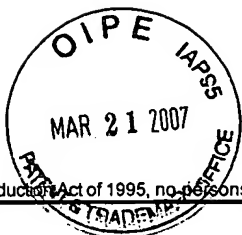
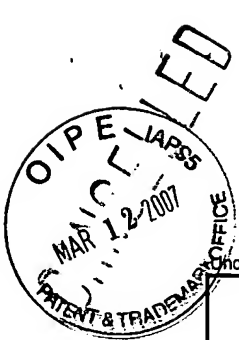
In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 529282002013. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 16, 2007

Respectfully submitted,

By: /Kate H. Murashige/

Kate H. Murashige  
Registration No.: 29,959  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive, Suite 100  
San Diego, California 92130-2040  
(858) 720-5112



PTO/SB/21 (09-06)  
Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>Total Number of Pages in This Submission</b>	<b>5</b>	<b>Application Number</b>	<b>11/650,062</b>
		<b>Filing Date</b>	<b>January 4, 2007</b>
		<b>First Named Inventor</b>	<b>Andrew Frederick WILKS</b>
		<b>Art Unit</b>	<b>1656</b>
		<b>Examiner Name</b>	<b>Not Yet Assigned</b>
	<b>Attorney Docket Number</b>	<b>529282002013</b>	

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page + duplicate)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Notification of Loss of Entitlement to Small Entity Status (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Customer No. 25225</b>	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

<b>Firm Name</b>	<b>MORRISON &amp; FOERSTER LLP</b>		
<b>Signature</b>	/Kate H. Murashige/		
<b>Printed name</b>	Kate H. Murashige		
<b>Date</b>	<b>March 16, 2007</b>	<b>Reg. No.</b>	<b>29,959</b>

I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 16, 2007

Signature: 

(Judy Calam)